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HIGH COURT OF CHHATTISGARH AT BILASPUR

M. C. C. No. 275 of 2005

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| Applicants | 1. Latel Ram Kewat, S/o Shri Karia, Village- Harhed, Post Peeseed, Kasdoi, Raipur (C.G.). |
| | 2. Surta Ram, S/o Shri Ram Bharose, Village- Koliha, Post- Bagvuda, Baloda Bazar, Raipur (C.G.). |
| | 3. Rajnarain, S/o Ram Bharose, Village Koliha, Post Bagvuda, Balod Bazar, Raipur (C.G.). |
| | 4. Chhedi Lal, S/o Phirtu Ram, Village Koliha, Post Bagvuda, Tehsil Baloda Bazar, District Raipur (C.G.). |
| | 5. Cyanik Sen, Village and Post Palari, District- Raipur (C.G.). |
| | 6. Sewak Ram, S/o Mast Ram, Village and Post Arjuni, Tehsil Balod Bazar, District- Raipur. |
| | 7. Seeta Ram, S/o Ramad Pal, Village Chhuiha, Post Baloda Bazar, District- Raipur. |
| | 8. Agrahit, S/o Pusau Sahu, Village and Post Risda, Tehsil Baloda Bazar, District- Raipur (C.G.). |

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| Respondents | Versus |
| | 1. State of Chhattisgarh, Through Secretary, Public Works Department, D.K.S. Bhawan, Raipur (C.G.). |
| | 2. Engineer in Chief, Public Works Department, Raipur (C.G.). |
| | 3. Executive Engineer, Public Works Department, Raipur (C.G.). |
| | 4. Sub Divisional Officer, Public Works Department, Baloda Bazar/Vllaigarh, Raipur. |

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Shri Sunil Otwani, Advocate for the applicants.

Shri Pankaj Shrivastava, Panel lawyer for the Respondents.

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ORAL ORDER(16th January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. This is an application for modification/review of the order dated 15.9.2005 passed in W.P.No. 2048/2003 (Latel Ram Kewat & others Vs. State of Chhattisgarh & others) along with other writ petitions, wherein this Court after having heard all the parties passed the order to the following effect: "For the reasons stated above, the respondents are directed to allow all the gang men, who had retired on completion of 30 years of service but have not attained the age of 60 years, to rejoin the services and continue till they attain the age of 60 years, subject to depositing the retiral benefits, if any, given to them."
2. Learned counsel for the applicants submits that the order dated 15.9.2005 may be modified to the extent that the retiral benefits paid earlier be deducted from the salary of the employee concerned in installments. Learned counsel appearing for the respondents have no objection to the said modification.
3. Accordingly the order dated 15.9.2005 passed in W.P.No. 2048/2003 (Latel Ram Kewat & others Vs. State of Chhattisgarh & others) is modified to the extent indicated herein below:-

"(4) For the reasons stated above, the respondents are directed to allow all the gang men, who had retired on completion of 30 years of service but have not attained the age of 60 years, to rejoin the services and continue till they attain the age of 60 years, subject to adjustment of the retiral

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benefits, if any, given to them. The retiral benefits, if any, paid earlier be deducted from the salary of the employee concerned, in installments at the maximum rate of 50% of the salary."

4. In view of the foregoing the application stands allowed. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Thakur